



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1816 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 9.18 – Vending on Streets, Sidewalks, and Private Property – by Repealing and Reenacting Section 9.18.110 in its Entirety Relating to Sanitation"

MEETING DATE: September 3, 2008

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1816.

BACKGROUND INFORMATION: Ordinance No. 1816 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 9.18 – Vending on Streets, Sidewalks, and Private Property – by Repealing and Reenacting Section 9.18.110 in its Entirety Relating to Sanitation," was introduced at the regular City Council meeting of August 20, 2008.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of **all** council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**
This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT None.

FUNDING AVAILABLE: None required.

A handwritten signature in black ink, appearing to read "Randi Juhl".

Randi Juhl

City Clerk

RJ/jmp
Attachment

APPROVED:

A handwritten signature in black ink, appearing to read "Blair King".

Blair King, City Manager

ORDINANCE NO. 1816

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE CHAPTER 9.18 – VENDING
ON STREETS, SIDEWALKS, AND PRIVATE PROPERTY - BY
REPEALING AND REENACTING SECTION 9.18.110 IN ITS
ENTIRETY RELATING TO SANITATION

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI
AS FOLLOWS:

SECTION 1. Lodi Municipal Code Section 9.18.1 10, "Sanitation," is hereby repealed and
reenacted to read as follows:

9.18.1 10 Sanitation.

- A. All motorized food wagons or conveyances shall operate out of a commissary pursuant to California Health and Safety Code Section 114287.
- B. All motorized food wagons or conveyances shall be equipped with refuse containers large enough to contain all refuse generated by the operation of such a vehicle, and the vendor of the motorized food wagon or conveyance shall pick up all refuse generated by such operation within a twenty-five foot radius of the vehicle before such vehicle is moved. No vendor shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor.
- C. A motorized food wagon or conveyance shall comply with California Health and Safety Code ~~§114315~~ regarding the availability of adequate toilet facilities for use by food service personnel.

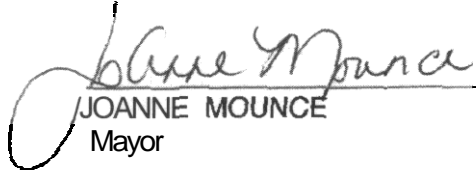
SECTION 7 All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or **property** within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty (30) days from and after its passage and approval.

Approved this 3rd day of September, 2008


JOANNE MOUNCE
Mayor

Attest:


RANDI JOHL
City Clerk

State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1816 was introduced at a regular meeting of the City Council of the City of Lodi held August 20, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held September 3, 2008, by the following vote:

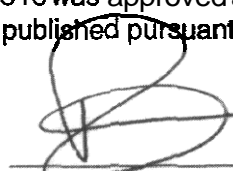
AYES: COUNCIL MEMBERS - Hansen, Hitchcock, Johnson, Katzakian, and Mayor Mounce

NOES: COUNCIL MEMBERS - None

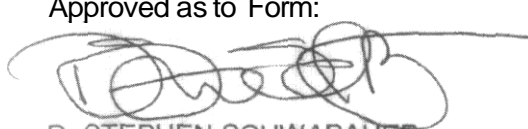
ABSENT COUNCIL MEMBERS - None

ABSTAIN: COUNCIL MEMBERS - None

I further certify that Ordinance No. 1816 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


RANDI JOHL
City Clerk

Approved as to Form:


D. STEPHEN SCHWABAUER
City Attorney